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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,131	05/06/2005	Antti Tolli	089229.00039	8472
32294 7590 01/02/2008 SQUIRE, SANDERS & DEMPSEY L.L.P. 14TH FLOOR			EXAMINER	
			CUMMING, WILLIAM D	
8000 TOWERS CRESCENT TYSONS CORNER, VA 22182			ART UNIT	PAPER NUMBER
	,		2617	
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			MAIL DATE	DELIVERY MODE
	•		01/02/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/534,131	TOLLI, ANTTI		
Examiner	Art Unit		
WILLIAM D. CUMMING	2617		

 NOTICE OF APPEAL The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: (See 37 CFR 1.116 and 41.33(a)). The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). Applicant's reply has overcome the following rejection(s): Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 		
THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1.	The MAILING DATE of this communication appears on the cover sheet with the core	respondence address
1. ☐ The repty was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandomment of this application, applicant must timely file one of the following repties: (1) an amendment, affaids, it or other vidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.131, or (3) a Request for Continued Examination (RCP) in compliance with 37 CFR 1.131, the repty must be filed within one of the following time periods: a ☐ The period for repty expiresmonths from the mailing date of the final rejection. b ☐ The period for repty expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will be statutory period to repty expire than 51X MONTH's form the mailing date of the final rejection. Examiner Note: It box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN THE ADVISOR (b) The FIRST REPLY WAS FILED WITHIN THE ADVISOR (b) The FIRST REPLY WAS FILED WITHIN THE ADVISOR (b) The FIRST REPLY WAS FILED WITHIN THE ADVISOR (b) The FIRST REPLY WAS FILED WITHIN THE ADVISOR (b) The FIRST REPLY WAS FILED WITHIN THE ADVISOR (b) The Proposition of the Corresponding amount of the fee. The appropriate extension fee have feel at 11 (c) and calculate from: (1) the expiration date of the short of the corresponding amount of the fee. The appropriate extension feel filed propriate and plustment. See 37 CFR 1.13(a), or any extension thereof (37 CFR 41.37 (b)), to avoid dismissal of the date of filing the Notice of Appeal was filed on A bride in compliance with 37 CFR 41.37(e), to avoid dismissal of the appeal, Since a Notice of Appeal was been filed, any repty must be filed within the time period set to this in 37 CFR 41.37(e), and the appeal and/or a Notice of Appeal and/or or Appeal will propriate the application in better form for appeal by materially reducing o		
a) The period for reply espiresmonths from the mailing date of the Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: [16 pt. 15 is checked, chack either box (a) or (b) ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MFEP 706.07(f). Extensions of lime may be obtained under 37 CFR 1.13(a). The date on which the petition under 37 CFR 1.13(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may rective any examed patient term adjustment. See 37 CFR 1.73(a) are shorted extension period for felly originally set in the office action. (C) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed. NOTICE OF APPEAL 2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 4.137(a), and the state of filing the Notice of Appeal as seen filed, any reply must be filed within the time period set forth in 37 CFR 4.137(a). AMENDMENTS 3. AMENDMENTS 3. AMENDMENTS 3. AND THE Proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a)	1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Apthis application, applicant must timely file one of the following replies: (1) an amendment, affidat places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in contact a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must	peal. To avoid abandonment of avit, or other evidence, which appliance with 37 CFR 41.31; or (3)
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, with the statutory period for reply expire later than SIX MONTHS for the mailing date of this rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRST REPLY WAS FILED WAS F		
Extensions of time may be obtained under 37 CFR 1,136(a). The date on which the petition under 37 CFR 1,136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the The appropriate extension fee under 37 CFR 1,17(a) is calculated from: (1) the expiration date of the shortened statutory period for repty originally set in the final Office action; or (2) as set torth in (b) above, if checked, Any repty received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patient term adjustment. See 37 CFR 1,704(b). NOTICE OF APPEAL 2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41,37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41,37(a)), or any extension thereof (37 CFR 41,37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41,37(a). AMENDMENTS AMENDMENTS AMENDMENTS (a) The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They prosent additional claims without canceling a corresponding number of finally rejected claims. NOTE: (See 37 CFR 1.116 and 41.33(a)). 1. The proposed or amendment are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 3. Applicant's reply has overcome the following rejection(s): (See 37 CFR 1.13(a), or applicant and an explanation of how the n	b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in to event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FI	ate of the final rejection.
 2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 4.1.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 4.1.37(a)), or any extension thereof (37 CFR 4.1.37(a)) avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS AMENDMENTS The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise the issue of new matter (see NOTE below); (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: (See 37 CFR 1.116 and 41.33(a)). 4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. ☐ Applicant's reply has overcome the following rejection(s):	Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) have been filed is the date for purposes of determining the period of extension and the corresponding amount of tunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply original set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of may reduce any earned patent term adjustment. See 37 CFR 1.704(b).	the fee. The appropriate extension fee lly set in the final Office action; or (2) as
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 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). 13. Other: WILLIAM D CUMMING/Primary Examiner 		ry is below or attached.
13. Other: /WILLIAM D CUMMING/ Primary Examiner	11. The request for reconsideration has been considered but does NOT place the application in considered but does not place the appli	condition for allowance because:
Primary Examiner	12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).	
		Primary Examiner

Continuation Sheet (PTO-303)

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's attorney stated that the publication of Tolli, et al is November 2002 and hence is not prior art. This is a FALSE STATEMENT made to the examiner and to the Office by Applicant's attorney. Tolli, et al's "Performance Evaluation of Common Radio resource Management (CRRM)" was published in Communications, 2002, ICC2002 IEEE International Conference on April 28-May 2, 2002 and very much prior art against Applicant. Applicant's attorney has FAILED to provide any showing of good and sufficient reason why the declaration is necessary AND was not earlier presented.